

concern about the accuracy and fairness of the use of the death penalty. New Hampshire has had a provision for the death penalty on its books for almost ten years. Over two months ago, the lower chamber of the New Hampshire legislature passed a bill that would repeal the death penalty. Earlier today, the New Hampshire Senate followed the House's lead and passed a bill to abolish the death penalty. This marks the first time since the late 1970's that a state legislature has passed legislation to abolish the death penalty, and I urge Governor Shaheen to let the will of the legislature stand. The New Hampshire legislature's action is particularly remarkable because it comes at the same time that the pace of executions has been accelerating in this country. Last year, we hit an all-time high for executions in any one year since 1976, 98 executions. This year, we are on track to execute at least 100 people.

The action of the New Hampshire legislature and long-time death penalty supporters like Governor Ryan and Reverend Pat Robertson indicates that our nation is beginning to re-think its longstanding support for capital punishment. When an auto manufacturer produces a vehicle with a bad fuel tank or malfunctioning airbags that risks injury or death to passengers, we push to have that product recalled, thoroughly review the problem and don't allow the vehicle back on the road until the problem is solved. Like a defective automobile, it is time for a recall on the death penalty. It is time to suspend executions nationwide while we review our criminal justice system to understand why so many innocents have been condemned to death row and to ensure that our justice system is a truly just system.

A bill I introduced just a few weeks ago does just that. The National Death Penalty moratorium Act would place a moratorium on executions nationwide while a national, blue ribbon commission reviews the administration of capital punishment. When Americans, both death penalty supporters and opponents, take a moment to consider the flaws in our criminal justice system, they can reasonably reach only one conclusion: the system is broken and must be fixed. I encourage my colleagues to join me in calling for a nationwide moratorium.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are on a motion to proceed on an appropriations bill.

BLOCKING CONSIDERATION OF BUSINESS

Mr. THOMAS. Mr. President, I would like to visit just a little bit, maybe express some frustration about what we are doing here on the floor and mostly what we are not doing here on the floor. It seems to me, we, of course, are here for a reason and that is to move bills forward. There is not going to be unanimous understanding or agreement on all these bills, but we have a system. We can have a reasonable debate and vote on them. But the idea that each time we bring up some issue that then we are going to bring back again, issues that are clearly raised for political purposes only and hold up the progress of this entire body, hour after hour and day after day, that begins to be a bit trite. It seems to me that is the direction we are taking. Our friends on the other side of the aisle seem to be perfecting this procedure, and we move forward at our own risk, knowing we are going to have a blocking activity going on.

Republicans are trying to move forward with some issues for the American people that are very important: marriage penalty, tax relief, farm assistance, education, critical needs of the men and women in the armed services, and all of the 13 bills we have on appropriations that are before us. What we have had and what we are continuing to have is Senate Democrats trying to tie up the Senate by changing the subject, by attaching irrelevant amendments to every bill that comes to the Senate floor.

It took five votes before Republicans could break the Democrat filibuster and pass the Ed-Flex bill in 1999. It took five votes in order to deal with an issue that said local school boards, local governments could have more flexibility in what they do with Federal money. Is that something to hold up? I don't think so.

When Republicans offered the lockbox legislation in 1999 to protect the Social Security trust fund, Democrats opposed it six times. Senate Democrats even opposed a measure that passed the House last year by a vote of 416-12, when we were talking about taking Social Security money and insulating it from expenditures on non-Social Security matters. Tell me that is a reasonable thing to do.

On April 13, Senate Democrats blocked a marriage penalty relief bill from continuing through the legislative process, a bill that is based largely on fairness. It is based on the notion that a man and woman, each working singly, earning a certain amount of money, when married earn the same amount of money and pay more taxes. This was a way to resolve that. However, Democrats were rejecting a discussion of the marriage penalty tax. In the House, the Democrats joined the Republicans 268-158 to pass relief. President Clinton pledged his support of the marriage tax penalty relief in his State of the Union. But still they

block this because they want to bring up some amendments that are irrelevant to this issue, bring them up totally for political purposes. Unfortunately, we find ourselves in a position of being more interested in raising issues than seeking solutions. That is too bad. That is a shame. It is terribly frustrating, frankly.

I just came from a meeting. We could not have a hearing this afternoon because our friends objected to having a hearing. We had people who came all the way from Alaska to testify. So I can tell you we went ahead and had a meeting and listened to what they had to say. I do not think that is the way we intended for this body to function. We disagree? Of course, we disagree. Different views? Of course, we have different views.

On May 4, Rollcall recounted that one of our friends on the other side promised to work with his colleagues on an education bill if we could do it. Unfortunately, he decided to change in the middle of the stream and we did not go forward.

Now we have 13 appropriations bills that must be passed. Really, our destination, our purpose, was to pass those before the August recess so we would have that out of the way and could deal with other things that are important. By the looks of it, we will not be able to move forward in that important area.

It is very difficult. We just spent 2 days working on military construction. I do not think anybody would argue that we need to move forward on the military; we need to strengthen the military; we need to do something about strengthening the opportunity for people to belong to the military and at least not to be on food stamps. We could do that. But, no, we have to get off on something totally irrelevant, an issue—whether it is gun control or whatever—that we have already dealt with. It keeps coming up on every issue.

I do not argue with the difference of view on it, but to use those things to keep us from moving forward and do the things we ought to be doing is disruptive and is not the intended purpose of what we do here.

There are only 65 legislative days remaining for the Senate to finish its work. Yet we continue to find obstruction; we continue to find delay.

Military construction finally got through. We spent all that time talking about something totally irrelevant to it. We had to get off on the thing. Yesterday we did nothing all afternoon, basically. We finally got it passed. I am pleased with that. I, frankly, voted against it. I voted against it because I did not agree with the process. I do not have any argument with what was in it.

Education had to be pulled, the Elementary and Secondary Education Act, probably the broadest issue with which we will deal. It touches almost everyone. Almost everyone agrees we need

to do something with that. Could we finish it? No, we sure couldn't. Sure, there is a little different view. We wanted to let the local people have more flexibility. Our friends over there wanted the rules to come from here. OK, we have a difference. We have a difference in philosophy. I don't argue with that. We have an honest difference. Let's vote. But, no, that is not what happened. What we did was have introduced all kinds of irrelevant, non-germane amendments. I don't know how long we can do that.

The marriage penalty—I have already mentioned it. That is something that certainly ought to be done. As far as I know, it is agreed to by nearly everyone, including the President. It is a fairness issue. We ought to be doing it.

Agriculture, crop insurance, that is one of the things we need to strengthen, since we are moving away from the old farm program. Agriculture is out there; farmers are running some risks and crop insurance is part of it. We were not able to do that. Things that were not pertinent were there.

The juvenile justice bill, we passed juvenile justice. It is still in the committee. We are trying to get some agreement. It is being held up by non-germane kinds of things.

I respect fully the difference of view. I respect fully the differences in philosophy. That is why we are here. That is what elections are about. I understand that. But we simply have to find a way to put aside this business of stalling, just put aside this business of delay, put aside this business of constantly seeking to bring to the floor issues that are totally political and have nothing to do with the topic we are on and talk about them at the time to talk about them. But talk about them once. Don't talk about them every other day. That is what we do. That is wrong. We ought to change it.

We have a chance to take a look at where we are and where we want to go. I have thought more recently, I don't know quite why, about the concept that each of us has goals for ourselves, whether they be personal goals, whether they be professional goals, whether they be spiritual goals, whether they be family goals, and seek to identify those and then decide what our goal is and what we have to do to reach it.

Frankly, I wish it applied a little more to Government. As we enter into these, we ought to not only be looking at the daily issues with which we deal, but we should also be looking at, having set goals and identified where we want to be, whether what we are doing now is contributing to the attainment of those goals.

It is my view we have not done enough of that. If we have a goal of accomplishment in the Senate, a goal of doing the things the people sent us here to do, and then find ourselves caught up in business which does not move toward the attainment of that goal, it is frustrating.

I hope we can move forward. I believe we will. I appreciate the Presiding Offi-

cer's efforts. I look forward to next week to accomplish more than we did this week.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

PROCEEDING TO DEBATE

Mr. ENZI. Mr. President, I just finished presiding, and the last 15 minutes I presided was a quorum call. It occurred to me there are probably people watching the quorum call who wonder why there was a quorum call. Since I had to listen to some of the previous discussion that I don't think gave a full explanation of why there is a quorum call, or why we are not proceeding on the business of this country, I feel compelled to give a brief explanation.

In the Senate, we have to get permission to proceed to debate a bill. That is where we are right now. We are trying to get permission to proceed to debate an appropriations bill. It is a foreign operations appropriations bill. The Democrats have decided, because of a procedural motion on which they lost yesterday, which will have an effect on the debate of the Senate for years to come perhaps, that we are not going to debate anything for a while.

Let me explain a little more about what that is. What we are having is a filibuster. It is being done rather silently, and sometimes in a whining way. We are having a filibuster over whether we are going to debate any of the appropriations bills. What you heard earlier was them saying that if we can't debate extraneous, non-germane items on any one of the appropriations bills, we are going to see that the business of this country does not go forward. I want to tell you, I think that is wrong and I think the American people need to know about it.

We can do a lot of finger-pointing over why things aren't happening around here, and that isn't going to get anything done except allow the voters in November to make a decision. But the voters need to know what it is that is happening. We are talking about whether a Senator ought to be able to run down here to the floor on any measure that comes up under appropriations—we have 13 appropriations bills to pass, and it usually takes a week to pass each one, and we have about 13 weeks left of the session this year. We are debating now whether or not you can come down here and just stick in any amendment you want, on any issue you want, and call it "deliberative debate."

You can't have an appropriations amendment that legislates. Nobody

questions that. That has been determined. We have a Senate rule that says you can't legislate on an appropriations bill. But there is a loophole there. It isn't clear whether you can pontificate on an appropriations bill, whether you can't stick in something that is your pet project and talk ad infinitum on it. That is what this is about. That is what the silence is about. That is what the inability to go forward is about. It is about whether we ought to be able to pontificate on anything we want to, whether or not it is relevant to the item that is up.

Why is that important? I guess it is because this Chamber has television in it now and what we say can be carried to people all across this country. It is cheaper than buying a campaign ad. But it doesn't make it right.

You can't legislate on an appropriations bill, so should you be able to do a sense of the Senate? I say you should not be able to. We should be at the business of taking the appropriations bills we have and deciding on each and every issue that is in that appropriations bill to see if it is the right thing to do. If it is some other issue we want to debate, we should not get to do it then. When we finish up the 13 appropriations bills, we can go back to the regular legislation of this body. On those, there is no requirement on what can be added to them. You can debate and put in an amendment whether it has anything to do with the bill or not. My personal opinion is that you should not be able to do that either. We would get more business done. But there isn't a rule that keeps you from doing non-germane amendments on the regular legislative business; it is only on the appropriations.

Why would we do that? Why would there be requirements on what can be debated when we are talking about appropriations? Well, the bill on which we are trying to get permission to debate right now is one of the smaller ones. A lot of people probably don't think it is very important to this country. In fact, if this bill didn't pass, a lot of people in Wyoming would probably be overjoyed. But it is our business to make sure we deliberate and pass this bill before October 1. What bill is it? The permission that has been requested is to debate the foreign operations appropriations bill.

Earlier, a couple of my colleagues mentioned that if people come to see them in their office and they want to talk about the dairy business, they expect them to be able to come over here to the floor and solve their problem. Well, I want to tell you, that isn't how it happens. You can't talk to somebody in your office, leave your office, come over here, and solve their problem. There are days I wish it were that easy and that fast. But it is designed not to be that easy and that fast. You really have to be able to put it with something that will convince enough Senators it is a good idea that you can do it.